DOCUMENT RESUME

ED 449 265 UD 033 952

TITLE	Playing by the Rules When the System Doesn't: Immigrant Families and Summer School in New York.
INSTITUTION	Advocates for Children of New York, Inc., Long Island City.
PUB DATE	2000-08-25
NOTE	49p.; Joint project of Advocates for Children of New York and the New York Immigration Coalition.
PUB TYPE	Reports - Research (143)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Academic Standards; Elementary Secondary Education; *English (Second Language); *Immigrants; Parent Attitudes; *Parent School Relationship; Student Attitudes; *Summer Schools
IDENTIFIERS	New York City Board of Education

ABSTRACT

This report discusses findings from surveys assessing the implementation and effectiveness of the Year 2000 Summer Program. Summer School 2000 is an integral part of the New York City Board of Education's updated promotion policy. Surveys in this report targeted children identified as English Language Learners (ELLs) and children from immigrant families. This population was selected because of concerns that they would be disproportionately affected by the new promotion policy and be enrolled in the summer program in large numbers. Students attending summer school in summer 2000 and their parents completed surveys. Additional information was obtained from parents who completed a pilot survey prior to the beginning of summer school. Key findings indicated that: preventive services during the school year were rarely offered; communication to parents about retention/summer school was not timely and rarely in writing; communication to parents who did not speak English was grossly inadequate; communication to parents and students about the new standards was sorely lacking; communication to parents about the appeals process was poor; summer school did not meet the educational needs of ELLs; and suspensions and expulsions were problematic during summer school. (SM)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 449 265

Playing by The Rules When The System Doesn't:

Immigrant Families and Summer School in New York

Advocates for Children of New York
New York Immigration Coalition

August 25, 2000

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
✓ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

UD033952

BEST COPY AVAILABLE

J. Chaifetz
Advocates for Children of New York

Table of Contents

	Page
Executive Summary	3
Part A: Background Information	
1. Introduction	8
2. Immigrant and Refugee Students in New York City	9
3. History of New York City's Promotional Policies as it Relates to Summer School	12
4. The Updated Promotion Standards in New York City (1999)	13
4.1 Graduation Requirements for High School Students	13
4.2 Promotion Standards for Students in Grades 3-12	15
4.3 Criteria for Promotion	17
Part B: Survey Findings	
5. Demographic Characteristics of Survey Respondents	19
5.1 Students who completed Student Survey	19
5.2 Parents who completed Parent Survey	20
5.3 Parents who completed the Pre-Summer Pilot Survey	23
6. Communication to Parents	24
7. Support Services to Help Students Meet the Updated Standards	34
8. Summer Enrichment Activities to Provide Additional Support	37
8.1 Program Guidelines	37
8.2 Summer School 2000:Implementation	39
8.3 Students' Experiences with Summer School: Survey Findings	40
9. Recommendations	45

Executive Summary

This report discusses findings from surveys conducted during summer 2000 by Advocates for Children of New York and the New York Immigration Coalition to assess the implementation and effectiveness of the Year 2000 Summer Program. Summer School 2000 is an integral part of the New York City Board of Education's updated promotion policy, which was approved in 1999. Surveys focused on those children identified as English Language Learners (ELLs) whose first language is not English, and children from immigrant families. This population was selected because of the concern that they would be disproportionately and negatively affected by the new promotion policy and be enrolled in the summer school program in large numbers. Surveys were completed by 457 parents of children who were attending summer school in July and August 2000 and 650 students who were attending the summer program. Additional information was obtained from 32 parents who completed a pilot survey prior to the beginning of summer school. Key findings are summarized below.

The enormous ethnic and racial diversity of current immigrant and refugee arrivals in New York, and the projected continuation of these demographic trends into the coming century, create important challenges and opportunities for New York's policymakers and school administrators. Schools must be prepared to respond to the needs of an increasingly diverse, multilingual and multicultural student body, and take steps to ensure that all of New York's students receive an education that helps them reach their full potential as members of society.

Preventive Services During the School Year, While Sorely Needed, Were Rarely Offered.

One of the most damaging changes in promotion policy has been the evisceration of the entitlement to enrichment services. The former policy mandated that students *"who are identified in January as being at risk of failure to meet promotional standards in June . . . must be provided with customized enrichment-based instructional support services designed to enable them to achieve the performance standards by the end of the school year."* (Emphasis added). Although the new regulation discusses the importance of developing intervention and supportive services for students at risk of not meeting the standards, and schools have said they will help children with extra services, the regulation does not require that children at risk of being held over receive extra help provided by the school. The updated policy, while requiring students to meet higher standards, eliminates the entitlement to extra services for the students at risk. In other words, under the new policy, even if the school fails to properly notify a parent that a child is at risk of holdover and fails to offer or provide any enrichment services to assist that student, the student can still be held over. The results of this new policy were discouraging. **Less than half of the students surveyed received intervention services during the regular school year**.

Despite the fact that students were experiencing academic failure, students reported receiving few if any support services:

- 25% had received extra help in reading, 75% did not.
- 29% had received extra help in mathematics, 71% did not.

- 15% had received after-school services, 85% did not.
- 6% had received before-school services, 94% did not.
- 9% had received in-class small group or individual instruction, 91% did not.

Reports from parents surveyed about whether their children had received support services were even more disturbing. According to their responses:

- 24% of students had received extra help in reading, 76% did not.
- 13% of students had received extra help in mathematics, 87% did not.

Communication to Parents about Retention/Summer School Was Not Timely and Rarely in Writing.

The updated Promotion Policy provides specific mandates regarding parental involvement and notification of possibility of retention (1) no later than the Fall Parent Teacher Conference, and (2) in writing no later than January 31st. Parents were also required to be notified in writing by regular mail of the final decision not to promote and of required summer school not less than 14 days before the end of the school year.

- 47% of the students surveyed and 44% of the parents surveyed reported that they (or their parents) first learned that they were at risk for being held over *after* June 1.

- 63% of the students indicated that their parent had received a written letter (although not timely) informing them of their child's possible retention and 37% did not. Findings from the parent survey are consistent: 68% received a letter and 32% did not.

- 54% of the parents received an official notice in June after test scores came out. The remainder (45%) were not told that their child would not be promoted and that s/he was required to attend summer school.

This lack of communication helped assure that children did not receive intervention services during the school year, thus helping to assure their academic failure.

Communication to Parents Who do not Speak English Was Grossly Inadequate.

The updated promotion policy requires schools to communicate with parents in their home language: *"To the extent possible, communication with parents should be in the home language."* This mandate is vital for parents such as those surveyed for this report: 70% reported that they spoke, understood, and read English either "not at all" or only "a little."

- There was virtually no communication to parents whose native or home language was <u>not</u> English about the new standards, the multiple criteria for promotion, and for grades 9 to 12, the Regents and graduation requirements.

- Although the pamphlet *"What Did You Learn in School Today?"* that explains the educational standards for each grade is available in Spanish, Chinese, Russian, Haitian-Creole, Bengali, and Korean, only 12% of the students and 9% of the parents indicated that they were <u>aware</u> that the pamphlet was available in any of these languages.

- Only 20 of the 650 students surveyed and 8 of the 457 parents surveyed indicated that they had received the pamphlet in a language other than English.

- Correspondence to parents about possible grade retention and mandatory summer school was rarely sent in languages other than English.

  - 75% of the parents surveyed who had received a letter from their child's school reported that the letter was written in English, though the native language of most of these families was not English.

  - 85% of the students surveyed who had reported that a letter had been sent to their home reported that the letter was written in English, even though English was identified as the native language for only 18% of these students.

  - Only 22% of the parents surveyed whose home or native language was not English had been notified of their child's possible retention in their home language.

Communication to Parents and Students About the New Standards was Sorely Lacking.

The updated promotion policy recognizes parents as active partners in the education of their children: *"Parents must be integral partners in the education of their children. As such, parents must understand the levels of achievement necessary for promotion and be informed if their child needs intervention early in the school year."*

- 30% of the students surveyed and 12% of the parents surveyed indicated that they were aware of the availability of the Board of Education's pamphlet, *"What Did You Learn in School Today?"* that explain the educational standards for each grade.

- 18% of the students surveyed and 11% of the parents surveyed indicated that they (or their parents) had received the pamphlet. Less than 10% of the parents stated they had received the pamphlet.

Communication to Parents about the Appeals Process was Very Poor.

The updated Promotion Policy provides parents with the right to appeal the decision about mandating their child to summer school by writing to the principal within 3 school days of receiving final notification; this is a very short time frame. If the principal denies their appeal parents can then appeal to the superintendent within 3 school days of the date the principal mails or hand delivers the decision to the parent. This nearly impossible time line was in sharp contrast with prior policies and proved impossible for parents to use.

- Most parents (64%) were not provided with information about how to appeal the decision to require their child to be held back.

The Educational Needs of English Language Learners Were Not Met by Summer School.

- 61% of the students indicated that they were being taught by teachers who did not speak their home or native language.
- Only 58% of the students who reported receiving ESL services during the regular school year continued to receive them in summer school.
- Only 44% of the students who reported receiving Bilingual services during the regular school year received them in summer school.

Suspensions and Expulsions Were Problematic During Summer School.

- Overall, 20% of the students surveyed indicated that they or a student that they knew had been suspended or expelled from the summer session. In addition, 15 parents (3.5%) indicated that their own child had been suspended or expelled from the summer session. This may have been the result of the Board issuing a truncated school discipline policy that eliminated most substantive and due process rights for summer school children.

Summer School - A Potentially Rewarding Experience - Although Too Little Too Late

A key part of the updated promotion policy is the mandatory summer school for students who fail to meet promotional criteria – a combination of class work, standardized test grades, and attendance. While the majority of students and parents felt summer school was a good idea and helpful, it could have been better – especially for English Language Learner students who had been in ESL and/or bilingual classes during the school year.

- 63% of students and 66% of parents were satisfied with the summer school teacher.
- 69% of students and 74% of parents reported that summer school had helped a lot.
- 85% of the students and 88% of parents said that they thought summer school classes were a good idea.
- 89% of students said that their teacher was able to help them with their educational needs.
- 89% of students reported that they were using books and reading materials in summer schools that are related to the subjects they need to pass.

- Most students and parents reported that the summer school classroom had enough desks (90% and 94%), chairs (90% and 94%), supplies such as paper, chalk, pens, pencils (80% and 94%), and books (82% and 94%).

- A substantial number of both students and parents reported that there were not enough fans (36% of students and 74% of parents) or air conditioners to maintain the classroom at a comfortable level (41% of students and 18% of parents).

- A substantial minority of students (26%) reported that there was construction, repair or maintenance going on at their school; some of whom (24%) thought that this presented a danger. In addition, 17% reported that there were environmental conditions in their school that they were unhappy with.

Recommendations

1) Provide the Necessary Intervention Services During the School Year and Avoid the Need for Summer School.
2) Provide Adequate and Timely Notice to Parents in Writing.
3) Provide Notice and Information in the Home or Native Language of the Parents.
4) Meet the Needs of ELLs During the Summer Session.
5) Revise the Cancellor Regulations to Allow at least Two Weeks to Appeal a Decision Regarding Mandatory Summer School.
6) Follow the Same Regulations Regarding Suspensions and Expulsions as During the Regular School Year.
7) Hold Districts and Individual Schools Accountable for the Quality of Summer School Programs.

Part A: Background Information

1. Introduction

"The success of the promotion policy hinges on early identification of "at risk" students and the quality of instructional "interventions" and support services provided to them."[1]

Summer School 2000 is an integral part of the New York City Board of Education's updated promotion policy, which was approved on September 8, 1999. Chancellor's Regulation A-501 "Promotion Standards", which implemented the Board's promotion policy, was issued by then Chancellor Crew shortly thereafter (October 14, 1999) and established new criteria for promotion for students in grades 3-12. The Regulation (CR-A-501) became effective immediately.

According to CR-A-501, the updated promotion policy was designed to address five major educational goals: (a) the implementation of rigorous academic and promotion standards, (b) ongoing student assessment to monitor student progress, (c) provision of supports and interventions to help students achieve the required standards, (d) professional development to help school personnel to effectively help students meet the required standards, and (e) involvement of the entire school community to create and support effective strategies for improved student achievement.

To accomplish the Chancellor's goal of higher academic standards for New York City's public school students, the updated promotion policy (CR-A-501) substantially revised existing policy. For example, it changed the required promotional criteria, eliminated provisions which placed a cap on the number of times a student can be held over, and most importantly for this report, added a requirement of mandatory summer school for those children who did not meet the new criteria. It also dramatically revised the appeals process and eliminated an exception process for summer school. The new policy also eliminated sections of the prior policy that included the

[1] *NYC Board of Education Promotion Policy Instructional Report*, May 17, 2000, Page 1.

mandatory parental rights to notification regarding retention and students' entitlement to services in the subjects in which they were experiencing difficulties.

This report discusses findings from surveys conducted during summer 2000 by Advocates for Children of New York and the New York Immigration Coalition to assess the implementation and effectiveness of the Year 2000 Summer Program. These surveys focused on those children identified as English Language Learners (ELLs) whose first language is not English, and children and parents who are new immigrants. This population was selected because of the concern that they would be disproportionately affected by the new promotion policy and summer school program, with its retention policy in particular. Surveys were completed by 457 parents of children who were attending summer school in July and August 2000 and 650 students who were attending the summer program. Additional information was obtained from 32 parents who completed a pilot pre-summer survey prior to the beginning of summer school.

2. Immigrant and Refugee Students in New York City

Immigrants and their children make up a large and growing percentage of New York City's population. Currently, immigrants and their children comprise just under two-thirds of the City's population. Between 1995-1998, nearly 112,000 immigrant students registered for public school in New York City. In the 1997-1998 school year, of New York City's roughly 1.1 million public school students, 155,859 were classified as Limited English Proficient (LEP), also known as English Language Learners (ELLs), the term used throughout this report. In 1999, a stunning 53% of children 5-18 years old were members of immigrant families in New York City.[2] While not all ELL students are immigrants or the children of immigrants, and not all immigrants and/or their children require assistance in learning English, the size and diversity of New York's immigrant and refugee communities naturally create more demand for English language instruction in schools. In

[2] The Urban Institute, 1999.

New York State, there are currently 220,000 students who are English Language Learners (ELLs), with 156,000 ELLs in New York City. Overall, 80% of all New York State's ELL students are enrolled in New York City, resulting in 16.7% of the 1.1 million children enrolled in the City's public schools being identified as ELL. Statewide, ELLs make up nearly 8% of all students, and in New York City, nearly 17% of total students.

Since the late 1970s, immigrants from the Caribbean have dominated the flow of newcomers, with the Dominican Republic topping the list of sending countries through the 1970s, 1980s and early 1990s. Other Caribbean countries that figured prominently in New York's arrival statistics during these recent decades include Jamaica, Haiti, Trinidad and Tobago, and Guyana. The most recent years for which arrival data are available (1990-1996) indicate that newcomers from the Former Soviet Union rank second on the list. In addition, several African countries, notably Egypt, Nigeria and Ghana, began sending enough immigrants to rank among the top twenty countries for the first time ever. Table 1 lists the top ten countries of origin for immigrants to New York City in the 1970s, 1980s, and 1990s along with the number of new New Yorkers arriving from each country during each time period.[3]

Table 1: TOP TEN SENDING COUNTRIES TO NEW YORK CITY ANNUAL AVERAGES, 1972-1979, 1982-1989, 1990-1996.

1972-1979		1982-1989		1990-1996	
Country of Origin	Number	Country of Origin	Number	Country of Origin	Number
1. Dominican Republic	9,997	1. Dominican Republic	14,470	1. Dominican Republic	21,330
2. Jamaica	6,636	2. Jamaica	9,043	2. Former Soviet Union	15,279
3. China, Total	5,190	3. China, Total	8,985	3. China, Total	11,935
4. Italy	3,733	4. Guyana	6,705	4. Jamaica	6,403
5. Haiti	3,602	5. Haiti	5,102	5. Guyana	5,986
6. Trinidad & Tobago	3,501	6. Colombia	2,851	6. Poland	3,553
7. Guyana	3,244	7. Korea	2,514	7. Philippines	3,247
8. India	2,857	8. India	2,505	8. Trinidad & Tobago	3,061
9. Ecuador	2,793	9. Ecuador	2,241	9. Haiti	3,007

[3] 1972-1979 and 1982-1982 statistics are from the New York City Department of City Planning, *The Newest New Yorkers, 1990-1994*. The 1990-1996 statistics are from the Annual Immigrant Tape Files, U.S. Immigration and Naturalization Service.

10. Former Soviet Union	2,664	10. Philippines	1,692	10. India	2,976

These statistics indicate that New York is unique among other large, immigrant-receiving cities and states, not only for the size of its newcomer population, but also for the diversity in race, ethnicity and national origin of its newcomers. This diversity is in turn reflected in the number of languages spoken by its school-age children. Table 2 shows the enrollment of English Language Learners by predominant language and borough for the 1998-1999 school year in New York City public schools.

Table 2: LEP STUDENT ENROLLMENT BY PREDOMINANT LANGUAGE & BOROUGH

Predominant Language Group	Total LEP Student Enrollment	Distribution by Borough				
		Manhattan	Bronx	Brooklyn	Queens	Staten Island
Spanish	97,203	22,867	33,587	18,852	21,056	845
Chinese	15,395	5,472	209	5,309	4,274	124
Russian	5,365	134	85	3,650	1,418	78
Haitian Creole	4,656	199	24	3,647	779	7
Bengali	3,768	335	347	1,128	1,947	11
Urdu	3,087	75	145	1,615	1,177	75
Arabic	2,580	317	202	1,349	625	87
Korean	2,447	80	87	170	2,031	79
Punjabi	1,895	18	34	154	1,677	12
Polish	1,419	170	3	783	420	43
Albanian	1,303	81	521	327	233	141
French	1,107	301	152	335	298	21
Hindi	738	19	30	61	598	30

Source: New York City Board of Education, Facts and Figures 1998-1999

The current ethnic and racial diversity of immigrant and refugee arrivals in New York, and the projected continuation of these trends into the next century, creates important challenges and opportunities for state and local policymakers. Schools must be prepared to respond to the needs of an increasingly diverse, multilingual and multicultural student body, and take steps to ensure that all of New York's students receive an education that helps them reach their full potential as members of society. As education is the key predictor of future success, the future of New York City and the

rest of the State arguably hinges upon how well our newcomer (immigrant and refugee) students are educated.

3. History of New York City's Promotional Policies As it Relates to Summer School

In 1991, a Resolution entitled *"Authorization to Amend Promotional Standards for Students in Kindergarten through Grade 9 Including the Promoting Success Program in Grades 3 and High School Eligibility Requirements"* was adopted by the New York City Board of Education. This Resolution modified the promotional policy for students in kindergarten through grade 9 in New York City public schools from a program called *"Promotional Gates"* to a program called *"Promoting Success"*.

The "Promotional Gates" program, which had been in place since the early 1980s, held children back in grades 4 and 7 "on the sole basis of citywide tests without consideration of their classroom performance in academic subject."[4] The 1991 Resolution conceded that the Promotional Gates program had negatively impacted students, causing drop out and social/emotional problems:[5] "Promoting Success", which replaced "Promotional Gates" in 1991, emphasized individual student assessment and additional

---

[4] Board of Education Authorization to Amend Promotional Standards for Students in Kindergarten through Grade 9 Including the Promoting Success Program in Grades 3 and High School Eligibility Requirements , hereinafter "the 1991 Resolution" at 2.

[5] "It has been determined that Promotional Gates had little positive impact on students. Each year more than one-third of the students who were held over and attended Gates classes still failed to meet promotional standards. Fourth grade holdovers were no more likely, three years later, to meet the seventh grade promotional standard than students who were promoted. A longitudinal study indicated that a disproportionate percentage of students held over in Gates classes became dropouts. National research has also confirmed the negative impact of retention policies by indicating that retention doubles the chances that a student will ultimately drop out. There is no evidence, therefore, that holdovers make academic progress, although there is evidence that holdovers demonstrate greater social and emotional difficulties." Id.

In addition, an internal study by the Board in 1986 showed that 40% of the children retained under the policy dropped out before the end of high school, as compared with 25 percent of students with comparable reading scores who had not been held back. See Berger, J., "Fernandez to End a Policy on Holding Pupils Back," NY Times, Sec. A., p. 1 (Aug. 3, 1990). Other evaluators and auditors found that the retained students were no better off than similar low-achieving students who had been promoted. Indeed, they found that retained students were much more likely to drop out later on.

instruction to improve the academic performance of students at risk of being held over and mandated retention as the option of last resort.

> *"The new promotional Regulations establish the Promoting Success Program based on enrichment rather than remediation. Its goal is to provide intensive, enrichment-based, supplementary support services in reading, writing, and mathematics to eligible students,. . . Through this amendment, the Board of Education will establish a promotional policy that is based on early intervention, enrichment-based services, and retention as the option of last resort."*[6]

The Promoting Success Program and CR-A-501 were subsequently amended by then-Chancellor Cortines in June 1994 to incorporate parental notification procedures, enrichment-based support services for at-risk students, and procedures for appealing individual grade and placement decisions. It remained in effect until the revised promotion policy was implemented in October 1999.

4. The Updated Promotion Standards in New York City (1999)

The updated promotion policy defines system-wide performance standards in the academic content areas and establishes promotion standards for students in grades 3 through 12. The following section highlights (1) graduation requirements for high school students, (2) promotion standards for students in grades 3-12, and (3) criteria for promotion. Additional requirements pertaining to parental notification, support services, and summer school will be discussed with the survey findings (Part B of this report).

4.1 Graduation Requirements for High School Students

Academic standards for High School graduation were substantially revised by the updated policy. In order to graduate from high school, students are now required to achieve passing grades in five New York State Regents Examinations: English, Mathematics, Global History, U.S. History and Government, and Science, and obtain a Regents Diploma. Students who entered the 9th grade in

1996 are required to pass the English Regents Exam only. Additional Regents Exams will be phased in gradually by 2004.[7] Students must also accumulate 40 credits,[8] including 8 credits in English, 8 credits in Social Studies, 6 credits in Science, 6 credits in Mathematics, 2 credits in Second Language, 1 credit in Health Education, 1 credit in Art, 1 credit in Music, and completion of Physical Education requirements. Prior to these changes, students could graduate with 40 credits and a select core of curriculum credits. They could also pass Regents Competency Tests and receive a Local Diploma as an alternative to taking Regents exams and receiving a Regents Diploma.[9]

---

[6] 1991 Resolution at pp. 2-3.

[7] The first Regents exam that students must pass in order to graduate in the year 2000 is a new English Language Arts Regents; this exam was mandatory for all students (except select special education students) in June 2000. This test is designed for students who have been studying English language arts since elementary school, yet, ELLs, who by definition are not proficient in English, are expected to pass this exam in order to graduate. It is also important to note that among those expected to pass this exam to graduate are the tens of thousands of students in city schools who were ELLs, but who exited out of that status without being fully fluent in English. Each year, thousands of ELLs exit this status, based on either achieving the 40th percentile on an English language proficiency test, or having been an ELL for the maximum period of six years. *Immigrant and Refugee Students: How the New York City School System Fails Them and How to Make it Work*, New York Immigration Coalition, June 1999.

Prior to the 1999-2000 academic year, few ELLs took the English Language Arts Regents. For example, only 10% (n=1,213) of eligible ELL students took the English Language Arts Regents in 1998. Of these, only 265 passed the exam. This means that ELL students were five times less likely to take the English Regents than their general education counterparts, and in the few cases where they did, they were three times more likely to fail the exam. In addition, the current status of English Regents scores in a cohort of 9,456 ELLs in the Class of 2000 indicates that (a) only 39.7% passed the English Regents in 1999 vs. 63.0% of Non-ELLS; (b) 14.4% failed the regents vs. 6.6% of Non-ELLs; and (c) 45.9% did not take the test yet vs. 30.4% of Non-ELLS Board of Education: *Status of the class of 2000 Cohort and Results of the English Regents*, available at www.nycenet.edu/daa, 2000.

More recent data also identified ELLs as being at high risk for school failure. Of the 8,481 English Language Learners in the Class of 2000 (i.e. entered Grade 9 in Fall 1996). (a) 4.4% have graduated as accelerated students; (b) 34.5% are currently on grade level in Grade 12; (c) 17.4% are one year behind in Grade 11; (d) 12.1% are two years behind in Grade 10; (e) 3.8% are three years behind in Grade 9; and (f) 25.5% have dropped out of school. New York City Board of Education: *Current Status on the English Regents of English Language Learners in the Class of 2000*, New York City Board of Education, 2000.

[8] 44 credits for students entering high school class of 2001 and including four credits in Physical Education.

[9] There are modified graduation requirements for English Language Learners (ELLs) who entered the United States in 9th grade or later. Such students may take other required Regents (other than English Arts) examinations in their native languages where available if the exam in taken within 3 years of entering the United States. The other required Regents examinations are currently available in Spanish, Chinese, Russian, Haitian-Creole, and Korean. English Language Learners who speak languages other than these do not have this option. Instead, these students must take the exam in English.

4.2 Promotion Standards for Students in Grades 3-12

Prior to the updated Promotion Policy in 1999, students in grades 3, 6, and 8 were required to score at or above the 15th percentile on the standardized CTB reading and mathematics tests[10] and to pass their major subjects in order to be promoted.[11] The policy established alternative criteria for ELLs based on the Language Assessment Battery (LAB). In addition, under the old policy, students could not be held over more than once in any grade and no more than twice before high school. The old policy also prohibited retaining students who were over 15 years old in grade 8. The policy also included an appeals process that granted exceptions to retention.

The updated promotion policy requires students in grades 3-12 to meet or exceed the promotion standards established by the Chancellor in order to be promoted to the next grade. This means meeting Level 2 in standardized tests, 90% attendance, and full class work requirements.[12]

Recent test scores suggest that many elementary school students are poorly prepared for the new standards. For example, during spring 2000, 41.7% of 4th graders in New York City and 68.2% of 4th graders in the rest of the state met New York State standards for reading and writing.[13] Test scores for English Language Arts for 4th graders also indicate that ELLs may be at increased risk of grade retention unless they receive intensive intervention services. For example, two-thirds of the 75,000 4th grade students in New York City failed the recent English language arts test for 4th graders in contrast with 50% across the state. In addition, 21% of New York City students fell into the lowest category of achievement, as compared to 6% in the rest of the state.

---

[10] Students in grade 3 had to score at the 15th percentile in reading and the 10th percentile in mathematics.

[11] While promotion standards apply to only those students who are in grades 3-12, higher academic standards were established as a goal for all students. For children in the early childhood grades (Pre-kindergarten, Kindergarten, 1, and 2), school districts were required to implement a program of early identification, enrichment, and support to prepare students to achieve the promotion standards that begin in grade3.

[12] Additional information on Promotional Standards for ELLs and Special Education Students is available in Appendix B.

[13] During spring 1999, only 32.8% of the City's 4th graders met New York State standards for reading and writing. This is contrast with 56.8% of 4th graders in the rest of the state.

The results of the city's separate reading tests for grades 3, 5, 6, and 7 (released in June 2000) also indicate the need for intervention services for children at risk for failure. Overall, 40.8% of the students met the standards – up from 35.7% last year. In other words, the vast proportion of students in New York City are not meeting city and state standards for reading and writing. There were striking variations, however, from grade to grade. Scores were stable in 3rd grade, 6th grade scores rose 12.4 points on the performance scale, while 5th grade scores dropped 4.1 points on the performance scale.

Finally, even after attending summer school in 1999, a disturbing proportion of students continued to demonstrate a need for intervention programs. While a substantial proportion of students "passed" the end of summer examination, it must be remembered that these students were still performing at approximately the 15th percentile level – well below grade level. Clearly, these students required extensive remediation during the following school year.[14]

Overall, 20,618 general education students in Grades 3, 6, and 8 took a reading test at the end of summer school and 63.8% met the promotional standard (the 15th percentile). Pass rates in reading in Grades 3, 6, and 8 were 57.9%, 67.6% and 74.4% respectively.

- Overall, 19,846 general education students in Grades 3, 6, and 8 took a mathematics test at the end of summer school, and 61.2% met the promotional standard (i.e., the 10th percentile at Grade 3 and the 15th percentile at Grades 6 and 8). Pass rates in mathematics in Grades 3, 6, and 8 were 65.9%, 58.7%, and 53.7% respectively.

- Overall, 2,145 general education English Language Learners in Grades 3, 6, and 8 took a Language Assessment Battery (LAB) test at the end of summer school, and 72.2% met the promotional standard.[15] Pass rates on the LAB in Grades 3, 6, and 8 were 84.9%, 56.9%, and 49.4%.

[14] Results of Summer School Testing in Grades 3, 6, and 8. New York City Board of Education, August 20th, 1999.
[15] Grade 3: English Lab Level II (Total Raw Score = 31); Grade 6: English Lab Level III (Reading Subtest Score = 19); Grade 8: English Law Level III: Reading Subtest Score = 27).

In addition, of the nearly 25,000 3rd, 6th, and 8th graders required to take summer school last year, 16,777 – or nearly 70% - are at risk of winding up in summer school again this year.[16] Among the students who passed summer school, the number is slightly higher – 75%.[17] Clearly summer school last year was not providing a quality educational experience and/or these children are not receiving necessary assistance during the school year. In any case this report will only examine the quality of the summer school 2000.

4.3. Criteria for Promotion

In sharp contrast with the prior promotion policies, the updated Promotion Policy requires teachers to make a professional judgment about a student's readiness to be promoted to the next grade based on three criteria (a) standardized testing, (b) student work and grades, and (c) attendance. A student should not be held back based on any one of these areas, but based on a combination of these three areas.[18]

> *"In grades 3 through 8, promotion will be based on the integrated use of multiple criteria: achievement of designated performance standards as evidenced by student work, teacher observation, and assessment/grades; achievement of proficiency levels designated herein on Citywide and State assessments; attaining 90% attendance; and in grade 8, attaining passing grades in academic subject areas designated herein. Decisions regarding promotion will consider all the stated criteria for each grade. The decision to promote or retain may not be based on consideration of a sole criteria."*[19]

1. Standardized Tests

- Students in grades 3-7 must score at Level 2 on standardized tests in English language arts and mathematics.
- Students in grade 8 must score at Level 2 on standardized tests in the 4 subject areas of English, Mathematics, Science, and Social Studies.
- Students in grades 9-12 must pass statewide Regents Examination in various subjects.

---

[16] This was based on students attending summer school in 1999 and still enrolled in NYC public schools in May 2000. *New York City Board of EducationPromotional Policy Instructional Report*, May 17, 2000.
[17] Alison Gendar, *1999 Summer Students Failing Again, Stats Show*, New York Daily News, May 18, 2000. Viewed at http://www.nydailynews.com/2000-05-18/News_and_Views/City_Beat/a-67067.asp.
[18] There are a number of exceptions to this policy and are discussed above under "Students who are not subject to the new promotion standards or are subject to modified standards."
[19] Chancellor's Regulation A-501, Section 6.1

2. Student Work and Grades

- Students will be assessed based on their grades, class- work, homework, and teacher observation. Students in grades 9-12 must also accumulate minimum number of credits.

3. Attendance

- Students should attain 90% attendance for the school year.

In contrast with the former policies, clearly established cutoffs were not articulated in the updated 1999 Promotion Policy, or elsewhere. For example, CR-A-501 consistently refers to the need for students to "*achieve at or above Proficiency Level 2*" on both the Citywide CTB-Reading and CTB-Mathematics assessments. The newly established performance standards rank students within four levels, from lowest to highest, by what is called a scaled score. The four levels are designated as follows: 1=far below, 2 = below, 3 = above, 4 = far above.[20] Prior to the implementation of this system in 2000, both New York City and New York State relied on percentile scores to evaluate student progress. In other words, percentile scores, based on a national norm, were replaced with performance scores, based on an absolute standard for what children should know. One major problem is that unlike percentile scores, standards are arbitrary and subject to the caprices, judgment and manipulation of the officials who establish the cutoff points. There is no precise science for deciding what meets standards and what does not.

Part B: Survey Findings

This section focuses on the results of the surveys. Section 5 provides a description of the survey respondents. Section 6 provides a summary of the survey findings as they pertain to policy regarding communication to parents concerning new standards, possible grade retention, and mandatory summer school. Section 7 provides a summary of the survey findings as they pertain to

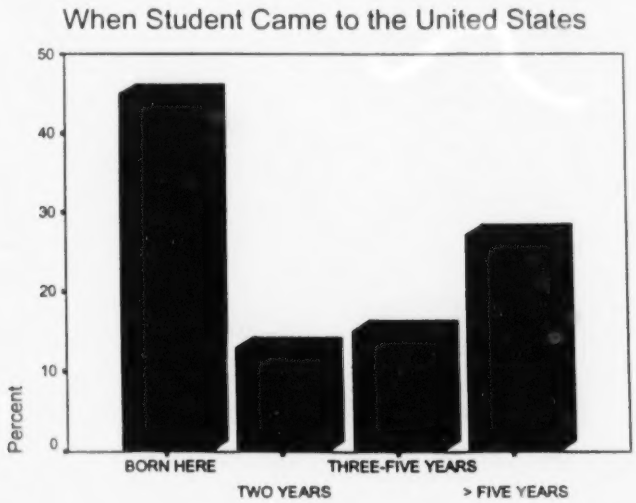
[20] However, the corresponding raw scores, scales scores, or percentile levels for each level of proficiency are not defined in Regulation A-501 or elsewhere.

support services to help students meet the updated standards. Section 8 provides a summary of the survey findings as they pertain to the summer program.

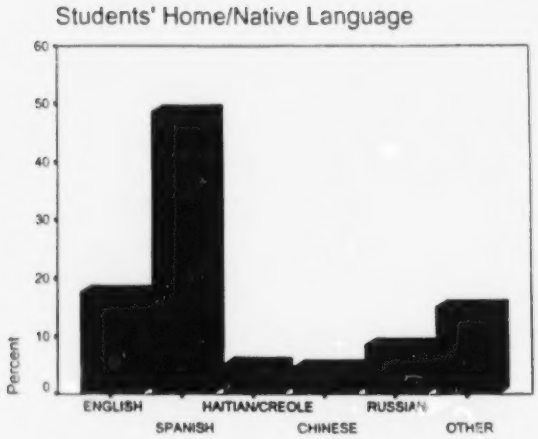
5. Demographic Characteristics of Survey Respondents

5.1 Students who completed the Student Survey

A total of 650 students from 173 different schools completed the student survey. Slightly more than half of the students were male (52%). Their ages ranged from 10 to 21; the majority (56%) were over the age of 14; 44% were age 14 or younger. Approximately 41% were in grades 4-8 and 59% were in high school. Forty-five percent (45%) were born in the United States. The remainder had moved to the United States within the last 2 years (13%), 3-5 years ago (15)%, or more than 5 years ago (27%).



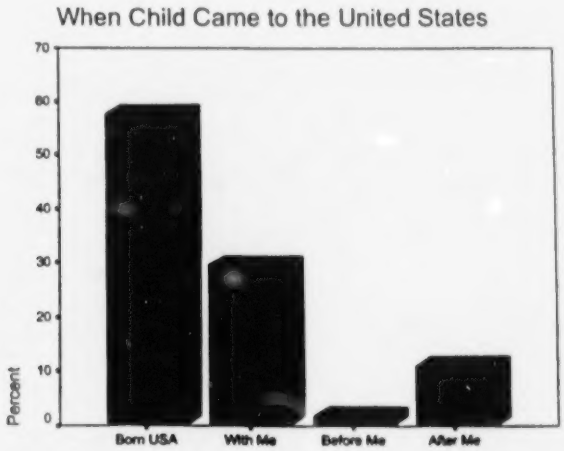
English was the home or native language for only 18% of the student sample. Spanish was the home or native language for almost half of the sample (48%). The remainder identified Russian (9%), Haitian/Creole (5%), Chinese (5%), and Other (15%).



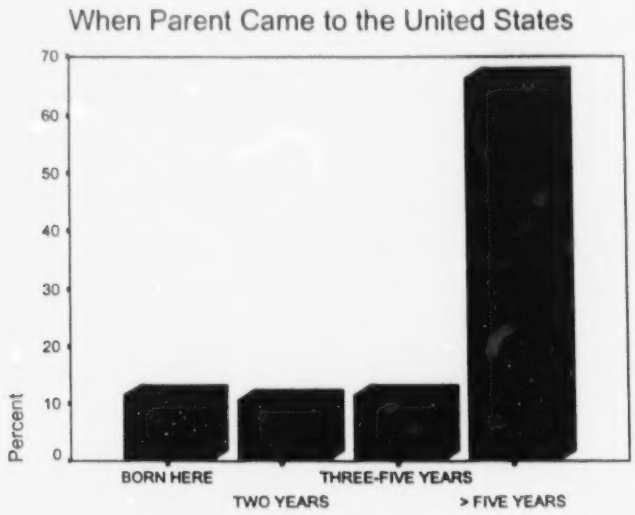
The majority had a good command of the English language. Most students, 73%, reported that they spoke a lot of English, although a substantial minority (27%) reported that they spoke only a little English. Their ability to understand and read English was consistent: 26% reported they understood English "a little" and 30% indicated that they read English "a little."

5.2 Parents who completed the Parent Survey

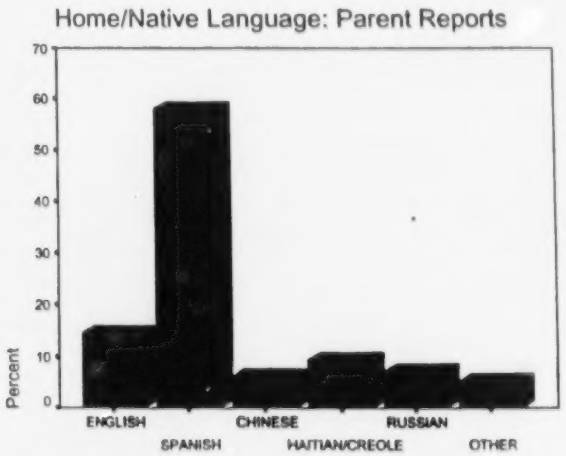
A total of 457 parents of children in 104 different schools completed the parent survey. Consistent with the student surveys, most of the parents reported that their child had been born in the United States (58%). The remainder had come to the United States with them (30%), before them (2%), or after them (11%).



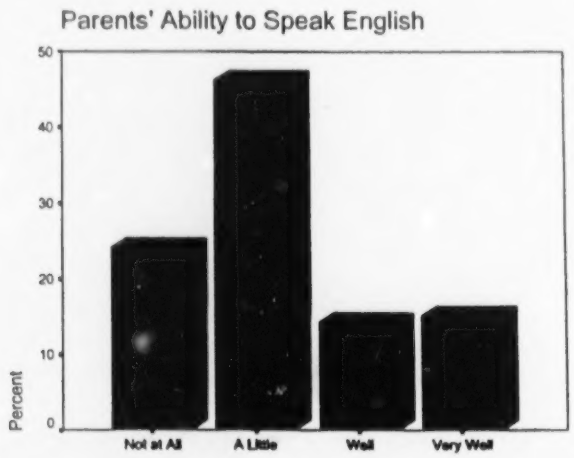
In contrast with the students, only 12% of the parents had been born in the United States. In addition, 11% had come to the United States within the prior 2 years, 12% within 3-5 years ago, and 66% more than 5 years ago.



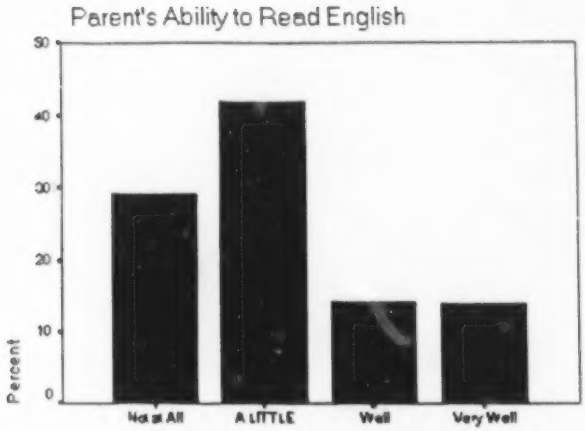
As with the students, English was the home or native language for only 15% of the parents surveyed. Spanish was the home or native language for approximately half of the parents surveyed (58%). The remainder identified Russian (7%), Haitian/Creole (9%), Chinese (6%), and Other (5%).



Consistent with what the students indicated, only 30% of the parents reported that their child was able to speak and understand English either "not at all" or "a little". Parents' reports of their child's ability to read English were consistent: 30% could read English "not at all" or "a little". Parents' command of the English language was in sharp contrast to the findings for students. Most of the 457 parents surveyed reported that they did not speak or understand English at all (24%) or only at little (46%). Only 14% spoke/understand English well, and 15% spoke/understood very well.



The corresponding percentages for parent's ability to read English were also in sharp contrast with the findings for students. Most parents surveyed did not read English at all (29%) or only a little (42%). The remainder read either well (14%) or very well (14%).



Most of the parents (78%) had only one child attending summer school; 18% had two, 2% had three, 1% had four and 3 parents had five or more. The ages of the parents' children in the summer school program ranged from 5-18. Approximately half were 10 years of age or younger (49%); 51% were between 11 and 18. Approximately half (53%) were male. Overall, these students of parents who completed the survey were much less likely to be in middle or high school than the students who completed their own version of the survey (described above). Approximately 57% were in elementary school, 17% were in middle school (grades 7 and 8) and 26% were in high school.

5.3 Parents who completed the Pre-Summer Pilot Survey

Additional information about the summer school program was obtained through a Pre-Summer pilot survey that was completed by 32 parents of school-age children required to attend summer school. In contrast with the parents who completed the summer survey, these parents were predominantly English speaking and most reported that English was their child's home or native language. Approximately half (56%) of the children represented were male; 44% were female. Their ages ranged from 7-17. Overall, 74% (n=23) were in grades 1-6, 23% (n=7) were in grades 7-8 (Junior High), and 6% (n=2) were in grade 9 (High School). Children were represented from 18

different schools. The questions asked focused on parental notification, the appeals process, communication of new standards, and support services during the regular school year. These findings are presented, where appropriate, to supplement or clarify findings from the student and parent summer surveys.

6. Communication to Parents

Board of Education Policies to Communicate with Parents about Updated Standards

The updated promotion policy recognizes parents as active partners in the education of their children: *"Parents must be integral partners in the education of their children. As such, parents must understand the levels of achievement necessary for promotion and be informed if their child needs intervention early in the school year."*[21] In addition, Regulation A-501 explicitly mandates schools to involve parents as partners in their child's education:

> *"Schools will explicitly communicate to parents what students must know and the level at which students must perform in order to meet the promotion standards. Schools will also communicate the standard of attendance that students must maintain. Parents will be offered opportunities to participate in parent and family learning programs, to discuss the work and progress of their children and to play a role in their child's academic success. An ongoing communication process will be utilized so that parents will know if and when specific interventions and/or alternative instruction are needed."*[22]

Schools were also required to communicate with parents in their home language: *"To the extent possible, communication with parents should be in the home language."*[23]

According to the Board of Education, several steps were implemented to comply with this mandate. The Board of Education indicated that during October 1999 brochures were distributed to parents explaining the standards in math and language arts for grades K to 8, and the standards for all core subject areas in grades 9 to 12. The guides also specified the multiple criteria for promotion

[21] CR A-501, Section 1.3, page 4.

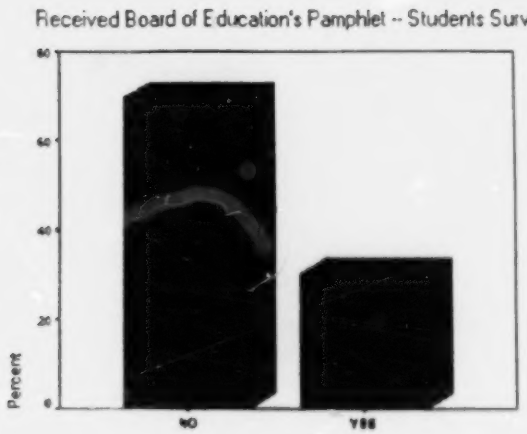
for grades 9 to 12, the Regents, and graduation requirements. All guides were translated into six languages: Spanish, Chinese, Korean, Haitian, Russian, and Bengali. Information on the specific interventions to be employed, the use of alternative instructions for certain students and strategies for ongoing communication between schools and parents, however, have not yet beet articulated.

How Well Did Schools Provide Parents with Information about New Standards: Survey Findings

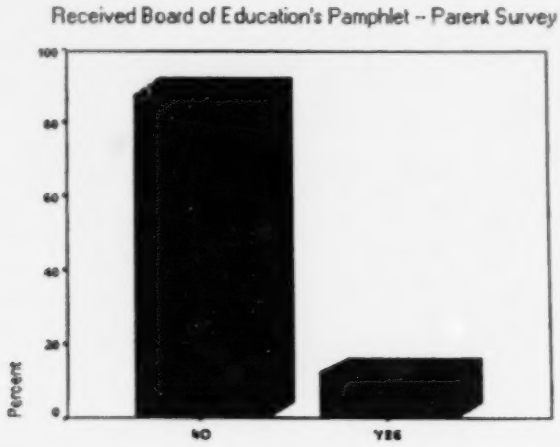
The only written guidance geared for students and parents about the new standards was a variety of pamphlets, named *"What Did You Learn in School Today?"* that explain the educational standards for each grade. Unfortunately, few parents or students actually saw any of these pamphlets, and only thirty percent of students surveyed indicated that they were aware of the Board of Education's pamphlet. Although it was translated into Spanish, Chinese, Russian, Haitian-Creole, Bengali, and Korean, only 12% of the students indicated that they were aware that the pamphlet was available in any of these languages. In addition, 18% indicated that either themselves or their parent(s) had actually received the pamphlet. Of the 111 students who indicated that they had received the pamphlet, 91 (82%) indicated that they had received the English version. Of the 20 students who indicated that they had received it in their home or native language, 14 indicated that they had received the Spanish version.

---

[22] Id.
[23] CR A-501 Section 1.3, page 5.



Parents were much less likely to be aware of the pamphlet than students. Only 12% of the parents, in fact, were even aware of the availability of the pamphlet and only 9% knew that it was available in languages other than English. In addition, only 42 parents (<10%) had received the pamphlet in English and 8 parents had received it in their home or native language.[24]



BOE Policies to Communicate with Parents about Retention/Mandatory Summer School

[24] Only 4 of the 32 parents who completed the Pre-Summer survey (12.5%) were aware of the Board of Education's pamphlet "What Did You Learn in School Today" that explains the educational standards for each grade. Only 4 parents (12.5%) had received the pamphlet

Prior to the updated Promotion Policy and revised CR-A-501, there were specific mandates regarding parental partnership and notification of possibility of retention (1) no later than the Fall Parent Teacher Conference, and (2) in writing no later than January 31st. In addition, parents were required to be notified in writing by regular mail of the final decision not to promote and of required summer school not less than 14 school days before the end of the school year.[25] The updated policy revised this requirement by specifying that there was no penalty for failure to give notice and that such failure to notify had no impact whatsoever on retaining a child:

> *"Parents will be advised in the early part of the school year, but not later than the Fall Parent teacher Conference following the distribution of report cards, that the student's performance is not approaching standards. This early notification will provide an opportunity to review student work, discuss strategies and interventions, establish benchmarks, and clarify responsibilities in moving the student toward promotion. If the student is still at risk of not meeting the standards as evidenced by student work/grades and/or attendance, a written letter to that effect will be sent to the parent no later than January 31. Records of ongoing parental communication and involvement, i.e. phone calls, report cards, parent-teacher conferences, assessment of the student's work, and instructional interventions will be maintained. However, failure to provide notice to parents shall not require promotion. The Spring Parent-teacher Conference offers an additional opportunity to discuss student progress toward achieving promotion at the end of the school year."*[26]

CR-A-501 is also specific with regard to parental notification of promotion decisions:

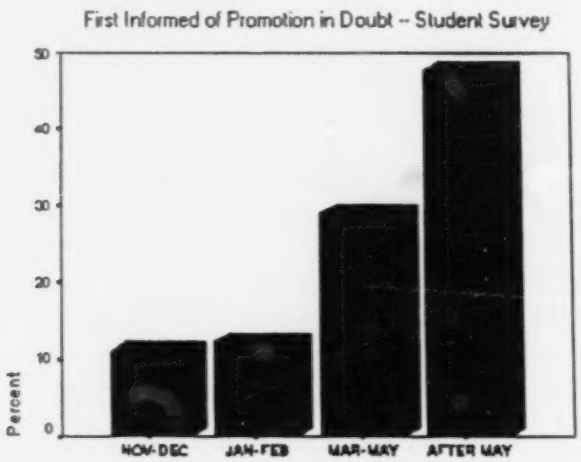
"Parents should be notified in writing by regular mail of the June decision not to promote and, where applicable, to require summer instruction not less than fourteen school days before the end of the school year." [27]

Communication with Parents about Retention/Summer School: Survey Findings

[25] For the 1999-2000 school year, final notices were to be sent on June 9th.
[26] CR A-501,Section 8.1, page 20.
[27] CR A-501, Section 8.2, page 20.

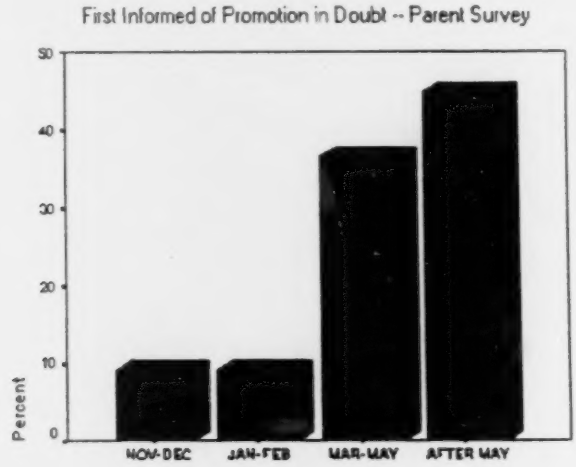
As noted above, the updated Promotion Policy and revised CR-A-501 provides specific mandates regarding parental involvement and notification of the possibility of retention (1) no later than the Fall Parent Teacher Conference, and (2) in writing no later than January 31st. Parents were also required to be notified in writing by regular mail of the final decision not to promote and of required summer school not less than 14 days before the end of the school year.

The survey findings indicate that this policy was rarely translated into practice. Only 11% of the students reported that they (or their parents) had first learned that they were at risk for being held over between November and December 1999. An additional 12% were first told between January and February, 29% were told between March and May and the majority (47%) did not learn that they were at risk for being held over until after June 1st.



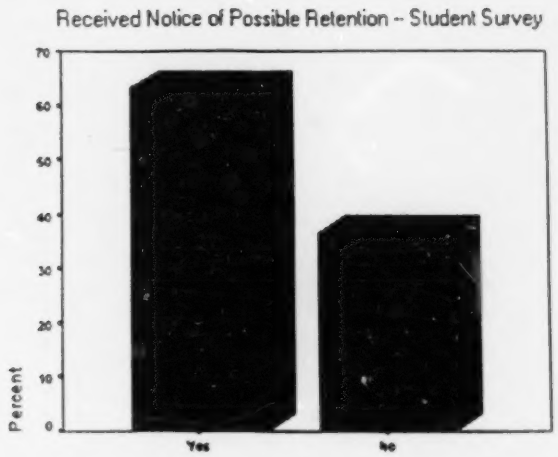
Data from the parent survey are consistent with student reports. Only 9% of the parents reported that they (or their children) had first learned that they were at risk for being held over between November and December 1999. An additional 9% were first told between January and

February, 36% were told between March and May and the majority (44%) did not learn that their child was at risk for being held over until after June 1st.[28]

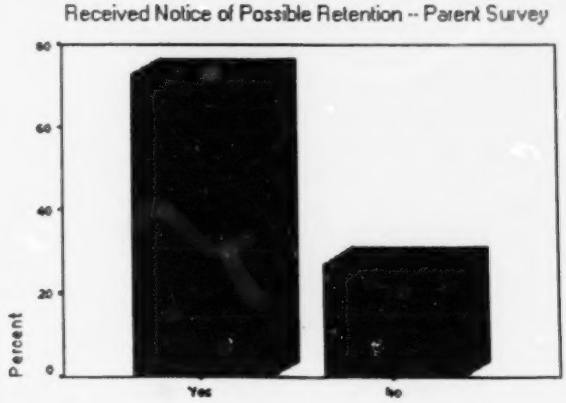


The updated Promotion Policy and revised CR-A-501 clearly state that *"If the student is still at risk of not meeting the standards as evidenced by student work/grades and/or attendance, a written letter to that effect will be sent to the parent no later than January 31."*[29] While most of the students indicated that their parent had received a written letter (although not timely) informing them of their child's possible retention (63%), a substantial minority (37%) did not. Many of them were told by their child's teacher (16%), received a phone call from the school (8%), or noticed a stamp on their child's report card saying "*Promotion in Doubt*" (5%), all in violation of the regulation.

[28] Data from the Pre-Summer Survey are consistent: The majority (69%: n=22) of parents indicated that they first learned in June 2000 that their child was at risk of being held over; 2 parents (6%) reported being informed at the time designated by BOE policies (Nov-Dec). In addition, 25% (n=8) were first told between March and May – the time designated by BOE policies for the second notice to be sent to parents.
[29] CR-A-501, Section 8.1, page 20.

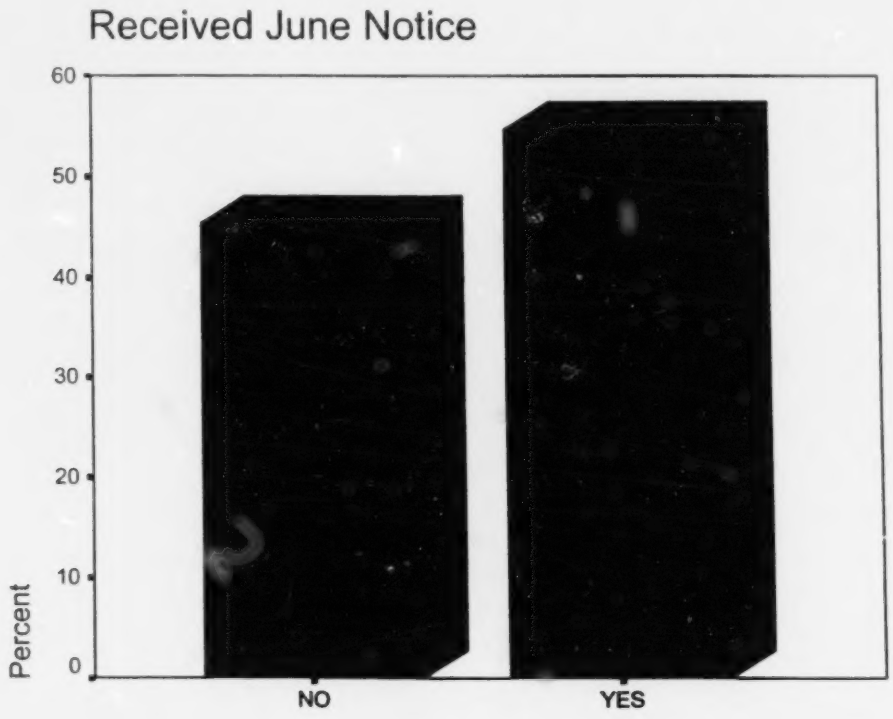


Findings from the parent survey are consistent: 68% received a letter (though not generally timely), 14% were told by telephone, 6% were told by their child's teacher, and 3%received a stamp on their child's report card.



A final indicator of the blatant disregard for parental notification concerning promotion decisions is the results to a question on the student survey that asked if the student or parent had received an official notice in June after the test scores came out.[30] According to students, only 54% of the parents received an official notice in June after test scores came out. The remainder (45%)

were not told that their child would not be promoted and that s/he was required to attend summer school – a clear violation of CR-A-501: *"Parents should be notified in writing by regular mail of the June decision not to promote and, where applicable, to require summer instruction not less than fourteen school days before the end of the school year."*[31]



Communication to Parent in Home/Native Language: Survey Findings

Although schools are required to communicate with parents in their home language – "*To the extent possible, communication with parents should be in their home language*"[32] – this policy was also routinely violated. For example, English was identified as the home or native language for only 18% of the sample, yet 85% of the 393 letters that were sent to parents were written in English.

---

[30] This question was not on the parent survey. However 5 of the 32 parents who completed the Pre-Summer survey (16%) reported that they did not get the official notice in June after the test scores came out.

[31] CR-A-501, Section 8.2, page 20.

[32] CR-A-501, Section 1.3.3, page 5.

Findings from the parent survey are consistent: 76% of those who received a letter received the letter in English.

In addition, student survey findings indicate that only 82 of the 536 families whose home or native language was not English had been notified of their child's possible retention in their home language (15%). While most of these parents were able to understand the English notice (79%), a substantial minority (19%) could not understand what the notice said. These parents had to rely on friends or family members to learn that their child was at risk of being held over. Findings from the parent survey are consistent. Only 85 of the 385 parents whose home or native language is not English were notified of their child's possible retention in their home language (22%). The majority of these parents (67%) reported that they did not understand what the notice said and that they had to rely on friends or family members to learn that their child was at risk of being held over.

Board of Education Policies to Appeal Retention Decision

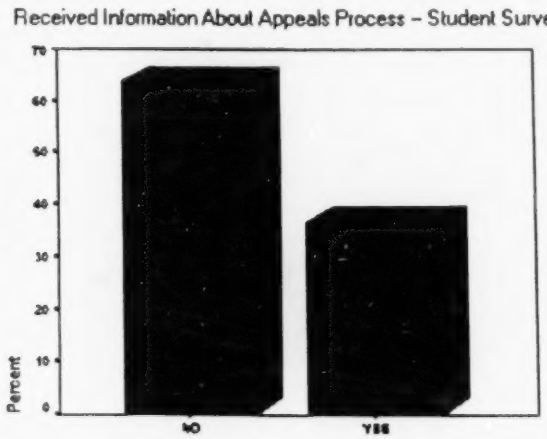
CR-A-501 provides parents with the right to appeal retention decisions by writing to the principal within 3 school days of receiving final notification; this time frame is exceptionally short. Principals must respond within 3 school days of receiving the appeal. Parents can then appeal to the superintendent within 3 school days of the date the principal mails or hand delivers the decision to the parent; again a very short time frame. The superintendent must respond no later than 5 school days from receipt of the appeal.

These requirements are in sharp contrast with the former policy that required that notice be provided by specific dates to parents whose children were at risk of holdover. The language of the former regulation was mandatory: *"Parents must receive written notification, in their home language wherever feasible, of the possible retention of their child by January 31 of each school year."*

The January notification date was not an empty procedural right; it was designed to ensure that parents were on notice of their child's difficulties and had time to obtain the assistance to which they were legally entitled prior to the end of the school year. The updated Policy eliminates these mandatory notice requirements. Our results from our survey indicate that this lack of notice may have been a large part of the reason why children did not receive intervention services during the year. The lack of notice may have also contributed to why so many children did not show up for summer school this year.

Board of Education Policies to Appeal Retention Decision: Survey Findings

As mentioned above, CR-A-501 provides parents with the right to appeal retention decisions within a very short time frame. This time frame is so short that few parents could utilize the procedure. More troubling, however, is that even fewer parents could utilize it because they were not even told that an appeal process was even in place. Sadly, the majority (64%) of the students indicated that neither they nor their parents had received any information about the right to appeal the decision to require them to attend summer school.[33]



[33] This question did not appear on the parent survey. However, only 7 of the 32 parents who completed the Pre-Summer survey (22%) were aware that they had the right to appeal the decision regarding their child's attending summer school.

7. Support Services to Help Students Meet the Updated Standards

The updated promotion policy recognizes the importance of early identification and effective interventions to address the educational needs of student at risk of failure: *"The success of the promotion policy hinges on early identification of "at risk" students and the quality of instructional "interventions" and support services provided to them."*[34] In the first months of the school year, teachers and principals were required to identify at-risk students (e.g., those who had been mandated to attend summer school in 1999, and those who were retained in grade). It also recognized the importance of a comprehensive and expanded program of student support services.[35] The new requirements for high school graduation were also accompanied by a mandate for schools to provide continued support and instruction in day, evening, and summer school.[36]

At the Chancellor's level, responsibility included leveraging fiscal, community, business, and university resources and ensuring that resources allocated to districts and schools support literacy instruction for all students by the end of grade three, extended-day learning opportunities (before-school, after-school, weekend instructional programs) to enable all students to meet the standards, and extended year learning opportunities (e.g., summer enrichment activities) that provide additional support.

School districts and principals also played an important role in developing support services for students. School districts were required to develop District Comprehensive Education Plans (DCEPs) to provide guidance to help schools develop intervention programs for students who need additional assistance in order to meet the promotion standards. At the school level, Principals were

---

[34] *NYC Board of Education, Promotion Policy Instructional Report*, May 17, 2000, Page 1.

[35] *"The delivery of a comprehensive, coordinated, and expanded program of student support services is vital to the total educational experience of students as they work toward meeting high promotion standards... The Pupil Personnel Team in each school will be organized so that appropriate staff provide the supports necessary for all students to reach the higher standards, particularly those at risk of retention."* CR A-501 Section 2, page 5.

[36] *"Students who fail to meet high school graduation requirements may receive continued support and instruction in day, evening, and summer school through the end of the school year in which their twenty-first birthday occurs. CR A-501, Section 7.8.*

required to develop Comprehensive Education Plans (CEPs) that specify intervention programs and strategies for individual students who are achieving below performance standards. Thus, every superintendent and principal was required to specify an intervention plan for students who were at risk of not meeting the new promotion standards (e.g., Universal Pre-Kindergarten, Project Read, English instruction for English Language Learners, class size reductions, extended-day programs). Finally, school staff was to receive training to help them to implement the new standards and facilitate student success.[37]

As noted earlier, one of the most damaging changes in the promotion policy that our survey uncovered is the evisceration of the entitlement to enrichment services. The former policy mandated that students *"who are identified in January as being at risk of failure to meet promotional standards in June . . . must be provided with customized enrichment-based instructional support services designed to enable them to achieve the performance standards by the end of the school year."* (Emphasis added).

Although the new regulation discusses the importance of developing intervention and supportive services for students at risk of not meeting the standards, and the Board has said it will help children with extra services, the regulation does not require that children at risk of being held over receive extra help. The updated policy, while requiring students to meet higher standards, eliminates the entitlement to extra services for students at risk. In other words, under the new policy, even if the school fails to properly notify a parent that a child is at risk of holdover and fails to offer or provide any enrichment services to assist that student, the student can still be held over. Again

---

[37] According to the Board of Education, professional development activities highlighted the implementation of higher standards, rigorous assessments, and the new promotion policy. Six major areas were covered: (a) introduction and implementation of the new promotion standards; (b) identification of students at-risk of not meeting promotion criteria; (c) intervention strategies and programs for at-risk students; (d) planning and conducting ongoing assessment of pupil progress; (e) communication with parents; and (f) implications of promotion standards for IEP goals for special education students.

this elimination of entitlement to extra services and to notice makes the need for a positive summer school experience all the more important.

Academic Needs of Students: Survey Findings

Obviously, since all of the students who completed the student survey were attending summer school, they were experiencing some level of academic failure. According to students, (18%), in fact, had repeated at least one grade. The corresponding proportion according to parents was 14%.

Students offered a variety of reasons for why they had been required to attend summer school or be automatically held back. The majority of elementary students reported that they needed help with reading and/or math. Help with mathematics was also an issue identified by high school students, although all areas were identified.

Approximately one quarter of the students (25%) and parents (23%) indicated that summer school was optional for them or their child. While many of these students were high school students who would not be held back if they did not attend summer school, some were elementary school students who would be promoted, but nonetheless needed academic help.

Support Services to Promote Academic Success: Survey Findings

As noted earlier, the updated promotion policy recognized the importance of early identification and effective interventions to address the educational needs of students at risk of failure: *"The success of the promotion policy hinges on early identification of "at risk" students and the quality of instructional interventions and support services provided to them."* [38] The majority of students and parents, however, reported that they had not received any additional services after being informed that they might have to go to summer school (Table 3).

[38] NYC Board of Education, Promotion Policy Instructional Report, May 17, 2000, Page 1.

Table 3: Proportion of Students who Received Support Services

EXTRA SERVICES	STUDENTS "YES" RESPONDES	PARENTS[39] "YES" RESPONSES
Extra help with reading	25%	24%
Extra help with mathematics	29%	13%
After-school program	15%	NA
Before-school program	6%	NA
In-class small group or individual instruction	9%	NA
Resource Room	8%	NA
Counseling	13%	NA
Other	4%	5%

Findings from the Pre-Summer survey are consistent. Only 4 children (12.5%) had received extra help with reading; only 3 children (9%) had received extra help with mathematics; only 5 children (16%) had attended an after-school program; only 1 child (0.3%) had attended a before-school program; only 1 child (0.3%) had received in-class small group or individual instruction; only 4 children (12.5%) had received resource room services; and only 2 children (0.6%) had received counseling services.

8. Summer Enrichment Activities to Provide Additional Support

8.1 Program Guidelines

A key part of the updated promotion policy is the mandatory summer school for students who fail to meet promotional criteria – a combination of class work, standardized test grades, and

[39] Parents were not asked about all support services.

attendance.[40] Each district was required to prepare a written plan detailing its instructional program in accordance with some key guidelines:[41] it should have a minimum of approximately 100 hours of instruction and should be conducted between July 5th and August 10th. Overall, 11 districts implemented a 5-day a week/4 hour a day program and 22 implemented a 4-day a week/5 hour a day program. Although each district implemented its own daily time schedule, the earliest any program began was 8:00 AM and the latest any instructional program ended was 2:30 PM. The High School programs were uniform throughout the city in order to accommodate the Regents Examination schedule. They ran from July 5th though August 18th. In addition, 46 private providers were awarded contracts to assist in implementing summer school services for students at risk of not being promoted in grades 3-12. Overall, 30 of the vendors offered programs to increase parental involvement.

Guidance services are also an important component of the summer school program: *"During the summer session, guidance staff will meet with individual students and parents regarding student performance. They will also conduct large group sessions for students and parents to ensure that the promotion requirements are clearly understood."*[42] In addition, a nurse was assigned to buildings in which summer instructional programs were conducted. In addition, Summer School 2000 was staffed with 2,200 school safety agents.[43]

---

[40] "Summer programs provide an additional opportunity to meet promotion standards for students in grades 3 through 8 who are at risk of being retained in their current grades as of June. In grades 9 through 12, students will have the opportunity to attend evening school and/or summer school to achieve the necessary number of credits required for promotion." CR A-501 Section 6.1.

[41] The Board's *Promotion Policy Instructional Report* of May 17, 2000 addresses three critical issues pertaining to Summer School 2000: (a) Central support for districts. The Division of Instructional Support developed a series of instructional guides, organized by grade level and content area; (b) Community School Districts. The district summer instructional plans which apply to kindergarten to grade 8. The comprehensive evaluation of summer school for mandated students in grades 3 to 12 by an external consultant. Preliminary findings will be made available by mid-October and a final report by November 15, 2000. Longitudinal tracking of student progress will continue during the 2000-01 school year and be reported in a report due in fall, 2001.

[42] *New York City Board of Education Summer School 2000: Status Report,* May 3, 2000, page 11.

[43] Id.

Every school is responsible for the tracking and monitoring of attendance in order to identify any students who are absent[44]

8.2 Summer School 2000: Implementation

According to the Board of Education,[45] 320,032 students were identified as "promotion-in-doubt" and were scheduled for follow-up parent conferences. According to the Board, 82% of the students identified as "promotion-in-doubt" had at least one parent-teacher conference (either in person or by phone) subsequent to the January 31st letter. During March and April, schools were required to notify parents of students who continued to be at risk at the time of report card distribution and invite the parents to a second parent conference. Superintendents and principals were required to supervise their districts and schools to ensure that at-risk students were receiving the necessary supports and interventions (at least one instructional intervention, and/or attendance interventions) and that student records were maintained. According to the Board, 86% of the parents had received letters on January 31st, 81.5% of the children had received academic interventions, and 89% of the children who were identified because of poor attendance had received attendance interventions.[46]

As of July 10th, 2000, a total of 327,368 students had registered for summer school.[47] Overall, 63,562 of these students were in grades 3-8 and were mandated to attend; 55,450 were non-mandated students in grades 3-8; 51,384 were non-mandated students in K-2; and 156,972 were mandated high school students.[48] As noted earlier, only those students at risk in grades 3 – 8 were

---

[44] *"Regular attendance in summer school will be an important component of ensuring that students master the necessary skills to enable their promotion. It is our goal as a system to assist students whose promotion may be in question by providing them with the instruction and support that they need to move forward and meet the educational challenger before them."* Memorandum to all Superintendents from Francine Goldstein, February 8,2000, page 1.

[45] *New York City Board of Education Promotion Policy Instruction Report*, May 17, 2000.

[46] Id.

[47] *New York City Board of Education Summer School 2000 program*, July 13, 2000.

[48] High school students included the following: (a) those who had failed one or more courses required for graduation; (b) those who had passed the course required for graduation but scored below 55% on the required Regents examination; (c) those who had scored at least 55% on the Regents examination but failed the course; (d) those who had passed the course and scores between 55% and 64% on the Regents examination but must score at least 65% to quality for a Regents

mandated to attend summer school. However, some districts elected to include summer school programs for children in grades K-2. In addition, six districts elected to implement an intra-district choice program that would allow students from low-performing schools to attend selected higher performing schools within the district.[49]

On July 10, however, attendance was low: only 196,814 of the 327,368 students had shown up for school (62%). This included 76% of the mandated students in grades 3-8, 65% of the non-mandated students in K-8, and 54% of the high school students. However, since summer school attendance is not compulsory--though according to the new Board regulation not attending will result in grade retention--students are not legally required to attend school. Thus, on July 11, 2000, Chancellor Levy wrote to the state Legislature to enlist their support for an amendment to the State Education Law to effect compulsory school attendance for the New York City Board of Education's summer school program.[50] This would allow the Board of Education to use truancy officers and make it illegal for parents not to send their children to summer school. According to the Board, promotion decisions will be made on August 11th for students in grades 3-8. Regents tests for high school students are scheduled for August 16th and 17th; marking will be completed in time for final grades to be entered on August 18th.[51]

8.3 Students' Experiences with Summer School:

Survey Findings on the Overall Quality of Summer Program

The majority of students and parents were positive about summer school, although some students (30%) and parents (24%) reported that it was hard for them to get answers to their questions about summer school from their teachers. Nevertheless, a majority of both students (63%) and parents (66%) were satisfied with the summer school teacher. Most students reported

---

diploma; and (e) those entering the ninth grade in September 2000 who needs orientation and skills development in preparation for Regents level courses.

[49] Districts 3, 8, 11, 23, 28, and 31.

that summer school had helped them a lot (69%), 28% said it helped them a little, and 2% said it did not help them at all. Parents also reported that summer school helped a lot (74%); 25% said it helped a little; and 1% said it did not help at all. Finally, 85% of the students and 88% of the parents said that they thought summer school classes were a good idea for them.

Most students (82%) reported that their teacher knew why they needed to be in summer school and that their teacher was able to help them with their educational needs (89%). Parents were less likely to agree that their child's teacher knew why they were in summer school (67%). A little over one half of parents reported that the teacher was able to help (53%), with 44% being unsure if this was so. In one of the few areas where parents and students had very different findings, 89% of the students versus 14% of the parents reported that they (or their child) were using books and reading materials in summer school that were related to the subject they needed to pass.

Qualifications of Summer School Teacher

According to students, most of the students' teachers taught at the same school during the school year (71%), although a substantial minority did not (29%). Few teachers, however, spoke the home or native language of the students that they taught during summer school. Overall, 61% of the students indicated that they were being taught by teachers who did not speak their home or native language. This was particularly noteworthy for Russian students (96% were taught by non-Russian speaking teachers), and for Chinese students (68% were taught by non-Chinese speaking teachers). A substantial proportion of parents (39%) also indicated that their child's teacher did not speak their home or native language (20% did not know). Table 5 presents the proportion of students in each category who are being taught by teachers who speak their home or native language according to both students and parents.

Table 5: Proportion of students taught by teacher who speak their home or native language

---

[50] Letter from Chancellor Harold Levy, July 11, 2000.
[51] *New York City Board of Education Summer School 2000: Status Report*, May 3, 2000.

HOME OR NATIVE LANGUAGE	STUDENT REPORTS	PARENT REPORTS
Spanish	36%	42%
Russian	4%	3%
Haitian-Creole	39%	24%
Chinese	32%	28%
Other	16%	22%

Almost all (90%) reported that their teacher took attendance every day.

Loss of Services During Summer School

Table 6 presents data on the proportion of students who received a particular service during the regular school year and the proportion of those who then received this service during the summer school program. For example, 30% of the students were in an English as a Second Language (ESL) class during the regular school year and 19% were in bilingual classes (according to students). According to parents, 26% of the ir children were in an ESL class during the regular school year and 20% were in bilingual classes. During the summer session a lower proportion of students were receiving such services. According to students, 23% were receiving ESL services and 11% were in bilingual classes. According to parents, 25% of their children were receiving ESL services and 18% were in bilingual classes.

Table 6: Continuity of Services in Summer School

SERVICES RECEIVED	STUDENT REPORTS		PARENT REPORTS	
	SCHOOL YEAR	SUMMER	SCHOOL YEAR	SUMMER
ESL Services	30%	23%	26%	25%
Bilingual Classes	19%	11%	20%	18%
Special Education	5%	7%	9%	8%

The children who were receiving ESL and bilingual classes during the summertime, however, were not necessarily the same children who received them during the regular school year. In fact, many students who were receiving special services during the spring term did not receive them during summer school (Table 7). For example, of the 175 students who received ESL services during the regular school year, only 102 continued to receive them in summer school (58%). In addition, of the 110 students who received bilingual classes during the regular school year, only 48 received them in summer school (44%). In addition, 36 students who did not receive ESL services during the regular school year received them in summer school and 18 students who did not receive bilingual classes during the regular school year received them during summer school. These confusing findings can be interpreted in two ways. It is possible that some children who needed ESL services or bilingual classes during the school year did not receive them. It could also mean that some children in the summer program were incorrectly placed in bilingual/ESL classes.

Table 7: Proportion of Continuity of Services in Summer School

SERVICES RECEIVED	STUDENT REPORTS: SUMMER	PARENT REPORTS: SUMMER
ESL Services	58%	79%
Bilingual Classes	44%	80%

Suspension and Expulsion from Summer School

The Board implemented truncated disciplinary proceedings for the summer contrary to the Chancellor's regulation A-445 governing suspensions. The summer policy allowed principals to conduct an investigation to determine what disciplinary action to take, up to and including

suspension or expulsion. No hearings would be held and no appeals taken.[52] Students who were suspended lost educational services and those expelled were likely retained.

Being suspended and/or expelled from summer school was identified as being a problem by both students and parents. Overall, 20% of the students surveyed indicated that they or a student that they knew had been suspended or expelled from the summer session. In addition, 15 parents (3.5%) indicated that their own child had been suspended or expelled from the summer session. This extremely high rate may be a direct result of this summer policy which contravenes the Chancellor's own regulation.

Classroom Quality

Most students and parents reported that the summer school classroom had enough desks (90% and 94%), chairs (90% and 94%), supplies such as paper, chalk, pens, pencils (80% and 94%), and books (82% and 94%). A substantial number of both students and parents, however, reported that there were not enough fans (36% of students and 74% of parents) or air conditioners to maintain the classroom at a comfortable level (41% of students and 18% of parents).

A substantial minority of students (26%) reported that there was construction, repair or maintenance going on at their school; some of whom (24%) thought that this presented a danger. In addition, 17% reported that there were environmental conditions in their school that they were unhappy with.

Student's Comments

Two open-ended questions at the end of the survey asked students to summarize their summer school experience. The first question asked students *"Is there anything else you'd like to tell us about your summer school experience?"* Some comments were very general:

---

[52] *New York City Board of Education Promotional Policy Instructional Report* May 17, 2000. This policy was overruled as it applied to students receiving special education services by a preliminary injunction in LIH v. Board of Education (July 17, 2000).

"Summer school is very helpful"
"I think it's helped a lot"
"I am learning a lot"

Some comments focused on the teachers and other school staff:

"I really like summer school and all the staff"
"Teachers are rude"
"Teachers are bad"
"The teachers are very nice"
"We need more books and the teachers are rude"

Some comments focused on the school environment:

"They need to get more desks and books"
"They need to fix the Boys Bathroom"
"There are no fans and it is really hot"
"More air conditioners"
"The class is overcrowded"
"There are not enough lockers"

The second question asked students: *"How do you think summer school could be made better next year?"* Some of their recommendations focused on the school environment:

"Soap in the bathroom"
"Air conditioning"
"Better lunches"
"More fans"
"Class trips"

Others focused on classroom quality and teachers

"More interesting classes"
"Less kids and AC in the classes"
"Less crowded classes"
"Better teachers"
"Less people in class and more books"

9. Recommendations

"In the coming year, we must ensure that students who are retained simply do not repeat a process that failed them the first time around. The quality of academic and attendance interventions provided to retained and other at-risk students is paramount."[53]

[53] *NYC Board of Education Promotion Policy Instructional Report*, May 17, 2000, page 1.

Setting higher standards can be an important part of improving the overall performance of New York's public schools. However, the heightened standards have not been matched by heightened quality in the teaching and learning environment of the students expected to meet the standards. This is an even more urgent concern for ELLs, for whom there has never been, and there is not yet planned, an instructional program that is geared to the level of the new standards, nor the trained and certified teachers to instruct ELLs in how to meet the new standards. If children are to meet these new standards they must have intervention services available to them if they are at risk, and if they attend mandatory summer school in order to have the opportunity to go forward to the next grade, that program must be able to provide a level of instruction that will assist these children in overcoming their academic weaknesses.

We strongly support the establishment of new, higher standards for all students in New York State. We believe that higher standards with schools being held accountable for students meeting these standards is necessary and can result in a much improved quality of education for all students, including ELLs. The following are our recommendations for improving the implementation for Summer School 2001:

1) Provide the Necessary Intervention Services During the School Year and Avoid the Need for Summer School.

From the results of our survey it appears clear that the majority of those children attending summer school this year did not receive intervention services during the regular school year. While summer school may be helpful for some students, it is an enormously expensive undertaking and is very disruptive to the lives of students and their families. Children therefore should be evaluated and given necessary services to help them succeed in the areas of their academic weaknesses as early as possible in the school year.

- The entitlement to services guaranteed in the prior Chancellor's Regulation should be reinstated. If there is no clear obligation, too many children will not receive these services that will allow them to succeed academically.
- This entitlement should be further strengthened by a guarantee to those families who have at-risk children. If these services are not given, we recommend a financial penalty or voucher which would be redeemable by parents to purchase the services, most likely in the form of tutoring or counseling, outside of the school.

2) Provide Adequate and Timely Notice to Parents in Writing.

Far too many of those surveyed either received no notice too late to allow them to properly plan for summer school. In the future parents must have notice that their children are at risk so they can be strong advocates for their children getting services during the school year, and to plan for the possibility that their child may have to be in school for the summer. Many of the absent children this year may not have come as a result of this lack of notice.

- The entitlement to notice guaranteed in the prior Chancellor's Regulation must be reinstated. Clearly this lack of notice has negatively affected children in getting needed services and in actually showing up to the summer school program.

3) Provide Notice and Information in the Home or Native Language of the Parents.

Over half of school-aged children in New York City are members of immigrant families. It is essential that information and notices are sent in a language that parents can understand if our schools want parents involved in their child's education. The Board must not only translate letters going home to parents, and notices, for example about the new standards, but they must actually disseminate these letters, and distribute the translated information. Ironically, information has sometimes been translated but then never properly disseminated.

- Remove the barriers to parent involvement. Non-English-speaking parents often feel intimidated and unwelcome in their children's schools due to the lack of translators and lack of translated parent notices. School districts should be required to provide an orientation program for parents and guardians of newly-enrolled ELL students; the Board of Education should follow through on a formal policy that ensures the translation of key school documents into the top languages spoken by students' families; and state and city education budgets should include funding to enable school districts to hire translators for key parent-school activities.

4) Meet the Needs of ELLs During the Summer Session.

An unconscionable number of children who were receiving bilingual or ESL services during the year did not receive them during the summer. Others who did not receive them during the school year did receive them during the summer. This problem indicates a lack of proper service to students and poor organization of instructional services at the school and/or district levels.

- The Board needs to have clear tracking mechanisms in place for ELL students. They should know approximately how many bilingual and ESL classes would be needed in the summer, plan for them and the recruiting of qualified teachers. The Board needs to know how many ELL students are likely to attend summer school to make such plans.
- ELL children need to have teachers who can speak to and be understood by them. Our survey results uncovered too many children, especially Russian and Chinese speakers, who could not communicate with their teachers. The system must address its poor record in hiring and retention of bilingual teachers and aides.

5) Revise the Chancellor Regulations to Allow at Least Two Weeks to Appeal a Decision Regarding Mandatory Summer School.

- There were heart rending stories of misunderstanding and inflexibility regarding summer school attendance that might have been solved if the parents had had enough time to explain their child's situation in an Appeal.

6) Follow the Same Regulations Regarding Suspensions and Expulsions as During the Regular School Year.

The high rate of identification of suspension/expulsion cries out for further investigation. At the very least these children should have the same rights they have during the school year.

7) Hold Districts and Individual Schools Accountable for the Quality of Summer School Programs.

New mechanisms must be developed to evaluate districts on how well they carried out their summer programs. This includes their ability to follow through on their pact with parents to involve them in their child's education, providing timely parental notification if their child is at risk, providing intervention services, and communicating in the parent's home language. Such mechanisms should include formal tracking of the performance of sub-populations of summer students such as ELLs, and evaluation of the bilingual instructional capacity of each school and district.